

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CALVIN JACKSON, JR.,

Plaintiff,

v.

S. SURBER, ERIN REYES, MARK NOOTH,  
HEIDI STEWARD, KEN JESKE, COLETTE  
PETERS, ROB PERSSON, KATE BROWN,  
ET AL.,

Defendants.

Case No.: 2:22-cv-01832-SB

ORDER

**Adrienne Nelson, District Judge**


United States Magistrate Judge Stacie F. Beckerman issued a Findings and Recommendation in this case on August 13, 2024, ECF [35]. Judge Beckerman recommended that this Court grant defendant's motion to dismiss, ECF [32], and allow plaintiff to file a second amended complaint within thirty days. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a de novo standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Beckerman's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Beckerman's Findings and Recommendation, ECF [35]. Defendant's Motion to Dismiss, ECF [32], is GRANTED, and plaintiff's amended complaint, ECF [31], is DISMISSED with leave to amend within thirty days.

IT IS SO ORDERED.

DATED this 24th day of September, 2024.

  
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Adrienne Nelson  
United States District Judge